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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

2005 SEP 29 P 3:49

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
CHARTER FIBERLINK AZ-CCVII, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD LONG
DISTANCE AND LOCAL EXCHANGE,
FACILITIES-BASED LONG DISTANCE AND
LOCAL EXCHANGE, ALTERNATIVE
OPERATOR SERVICES AND PRIVATE LINE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04260A-04-0383

PROCEDURAL ORDER

BY THE COMMISSION:

On May 20, 2004, Charter Fiberlink AZ-CCVII, LLC ("Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance, facilities-based long distance, resold local exchange, facilities-based local exchange, alternative operator services and private line telecommunications services within the State of Arizona. The application petitioned the Commission for determination that its proposed services should be classified as competitive.

On December 10, 2004, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of the application subject to certain conditions.

By Procedural Order issued December 17, 2004, the matter was set for hearing to commence on March 10, 2005.

Applicant caused notice of the hearing to be published in the *Arizona Republic*, a newspaper of general circulation in the requested Certificate service area. No requests for intervention were filed.

On March 10, 2005 the hearing convened as scheduled. No members of the public appeared to provide public comment.

At the hearing, Applicant requested an indefinite continuance of the hearing pending a possible amendment to its application.

1 By Procedural Order issued April 6, 2005, the hearing was continued for a period of 180 days,
2 and Applicant was informed that if no amendment to the application or request for hearing was filed
3 by September 6, 2005, that the docket would be administratively closed.

4 On September 1, 2005, Applicant filed a Request for Hearing. Applicant indicated therein
5 that it would not be filing an amendment to its application.

6 By Procedural Order issued September 12, 2005, a new hearing date was set for September
7 30, 2005.

8 On September 29, 2005, Applicant filed a revised tariff showing rates in addition to ICB
9 (individual case basis) for private line services and pro forma tariffs showing service descriptions and
10 rates for various local exchange and long distance service offerings. The September 29, 2005 filing
11 also included other updated information.

12 Prior to a hearing on the Application, Staff should have an opportunity to update its Staff
13 Report in response to the Company's September 29, 2005 filing, and the timeclock should be
14 suspended accordingly.

15 IT IS THEREFORE ORDERED that the **hearing** on this matter set for September 30, 2005 at
16 10:00 a.m. is hereby **continued** to **November 22, 2005 at 10:00 a.m.** to allow time for Staff to file an
17 amendment to its Staff Report in response to the Applicant's September 29, 2005 filing.

18 IT IS FURTHER ORDERED that Staff shall file an amendment to its Staff Report by October
19 28, 2005.

20 IT IS FURTHER ORDERED that the timeclock in this proceeding is suspended pending the
21 continuation of the hearing.

22 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
23 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

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1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
2 Communications) applies to this proceeding and shall remain in effect until the Commission's
3 Decision in this matter is final and non-appealable.

4 DATED this 29th day of September, 2005.

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6 
7 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/faxed
9 this 29 day of September, 2005 to:


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21
22 By:

23 
Molly Johnson
Secretary to Teena Wolfe
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25
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27
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